

REMARKS/ARGUMENTS

Currently claims 1-52 are pending in the instant application. No amendments have been made to the claims.

EXAMINER INTERVIEW

Applicant thanks Examiner Timothy A Musselman for the telephonic interview with Applicant's agent, D'vorah Graeser, on May 26 2009 in which the rejections of the claims in the Office Action of February 17 2009 were discussed, as was the cited art of Barton and Cantor. Applicant thanks the Examiner for his time and consideration.

Objections to the claims

None

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-7, 10-15, 18-20, 23-27, 30-49 and 52 under 35 U.S.C. §102(b) as being anticipated by Barton (US 6746247). Applicant respectfully traverses the rejections.

Barton discloses a method of producing an instructional tool for teaching an athlete how to develop and maintain a consistent tempo for performing a particular athletic activity. However, the method of Barton is clearly intended for training motor aspects and speed, while the present invention deals with training cognition in general and decision making in particular. For example, column 35 in Barton's invention, clearly states "... a method of producing an instructional tool for an athletic activity that teaches an athlete appropriate rhythm timing and tempo". By contrast, the present invention is of a system and method for training a subject for cognitive control; for example, column 9 states "... a system and method for training a subject for control processes, preferably for a particular task."

Barton's invention is procedural and requires the trainer to perform the song during the sport's activity. Procedural training relates to a purely physical action as oppose to a cognitive training. A procedural training can be, for example, high-fidelity flight simulator, or sports-related play-by-play instruction device while cognitive training teaches cognitive skills only such as skills on the unconsciousness level, instincts and the like. Barton's invention, in paragraph 2 line 47 says "the method includes a step of analyzing the tempo of an athlete as they perform an athletic activity".

By contrast, the presently claimed invention is purely cognitive and does not require any special activity while performing the task. The instant specification in page 2 line 14 clearly states that "... the system of the present invention is designed to enhance flexible cognitive skills that can be transferred to real life situation". Barton's invention deals with athletic skills while the present invention is more generic and deals with a plurality of real time situations.

Applicant respectfully asserts that claim 1 is patentable over Barton's patent and thus all claims which are dependent on claim 1 are patentable over Barton's patent. Claim 1 teaches a method for training a subject for cognitive control processes in a task, comprising: decomposing the task into a plurality of cognitive skills related to the control processes; determining a training strategy according to said plurality of cognitive skills; and constructing a trainer for training the subject according to said training strategy, wherein operation of said trainer does not require complete physical fidelity to the task. Barton's invention teaches neither decomposing of a task (any task) into a plurality of cognitive skills and nor determining a training policy based on the cognitive skills at all. Barton's invention is limited to sport activity and to analyzing the tempo of an athlete as they perform an athletic activity. It does not refer to any cognitive skill.

Although Applicant respectfully asserts that all the dependent claims are patentable over Barton ' patent, due to the patentability of claim 1, Applicant presents below arguments against the rejections for each dependent claim below.

Claims 1, 14 and 18 are rejected by the Examiner over Barton by stating that Barton discloses a method for teaching a subject control process in a task... Listening to a song does not require fidelity to the task.

However, counter to this rejection, Applicant notes that the song accompanies the activity and facilitates it while the present invention identifies the cognitive skills that are required for the task and simulates these skills without having any physical or visual connection to the task, such that the trained task is enhanced by performing a completely different task, in different time such as computer game like trainer. Furthermore, Barton does not teach the breaking of the tasks into cognitive components, while the present invention clearly teaches it. Claim 1 of the preset invention states "A method for training a subject for control processes in a task, comprising decomposing the task into a plurality of cognitive skills related to the control processes.

With regard to claim 2, the Applicant notes that the song can be used only with the exact movements of the trained activity, while the present invention simulates the cognitive skills separately and without any relationship to the physical activity.

With regard to the rejections of claims, 3-5,7,15, 42-44, Applicant notes that the task in Barton's invention is broken into motor components and not cognitive components. For example, in column 35 line 5 Barton talks about "anacrusis movements associated with a particular athletic activity" and does not mention cognitive skills at all. Furthermore Barton says in column 5 line 30 that "the customized song can be created for any type of athletic activity where rhythm,

timing and tempo are important" while the present invention deals with any activity that requires cognitive skills without referring to specific activity.

With regard to claim 6, Barton teaches only a specific skill which is related to a specific activity while the present invention can train any cognitive skill which is related to any activity.

With regard to claims 10,11, 27, in which the Examiner states that "the training song is based on a series of actions in the real world", the presently claimed invention does not train a series of actions in the real world; instead, the presently claimed invention trains cognitive skills.

With regard to claim 24, Barton's training plan is not based on analyzing the cognitive skills required by the task for training these skills.

Overall, the presently claimed invention teaches high-level decision-making while Barton's invention teaches low motor training. The presently claimed invention teaches how to enhance cognitive skills and training is done indirectly without any direct connection to the task; by contrast, Barton teaches a song which accompanies the actual movement and which therefore forms a part of the actual task for which training is given. The presently claimed relates to cognitive skills training while Barton teaches procedural training.

Applicant feels that these arguments overcome the rejections of the Examiner in this regard.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 8-9, 16-17, 21-22, 28-29, 50-51 under 35 U.S.C. §103 (a) as being obvious over Barton and Cantor (US 7,165,793; hereinafter "Cantor"). The rejections of the examiner are respectfully traversed.

As stated previously, Barton does not disclose all features described with respect to the above claims and hence the presently claimed invention is patentable

over the combination of Barton and Cantor. Furthermore, Cantor teaches an assessment test for training the ability to operate man made machine and does not teach the training of cognitive skills at all. Cantor does not teach or suggest the analysis of cognitive skills for any task.

As noted above, the presently claimed invention teaches high-level decision-making while Barton's invention teaches low motor training. The presently claimed invention teaches how to enhance cognitive skills and training is done indirectly without any direct connection to the task; by contrast, Barton teaches a song which accompanies the actual movement and which therefore forms a part of the actual task for which training is given. The presently claimed invention relates to cognitive skills training while Barton teaches procedural training.

In addition, Cantor also does not teach any type of training, but only relates to assessment of the individual. Furthermore, the presently claimed invention is not related to assessment but rather to human behavioral improvement. Thus neither Barton nor Cantor teach or discuss the subject matter of the present claims.

Application Serial No.: 10/519,232
Amendment and Response dated June 15 2009
Reply to Office Action of February 17 2009
Page 17 of 17

CONCLUSION

Applicant believes that the claims are in condition for allowance. If the Examiner believes that a telephonic interview with the undersigned would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned at (301) 952-1011.

Respectfully submitted,

Date: June 15, 2009
Reg. No. 40,000
Tel. No. (301) 952-1011

/D'vorah Graeser, Reg No 40,000/
D'vorah Graeser, PhD
Agent for Applicant
c/o Discovery Dispatch
9003 Florin Way
Upper Marlboro, Maryland 20772

Attachment